

## REMARKS

Claims 103, 105, 108, and 110 are canceled. All rejections directed to claims 103, 105, 108, and 110 are therefore moot. New claims 111-118 are added. Claims 81-102, 104, 106, 107, 109, and 111-118 are pending in the application. Support for the amendments can be found at least at Col. 24, lines 28-48, in U.S. Patent No. 6,444,214, which was incorporated by reference into the present specification by reference to U.S. Ser. No. 09/564,939 at page 2, lines 7-13 of the original application, subsequently amended in the preliminary amendment filed 2/04/04.

Applicants gratefully acknowledge the Examiner's indication that claims 88, 89, 99 and 100 contain allowable subject matter.

### Rejections under 35 U.S.C. § 112

Claims 103, 105, 108 and 110 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants' cancellation of these claims renders the rejection as moot.

### Rejections under 35 U.S.C. § 103

#### Taylor et al.

Claims 81-87 and 101-105 were rejected under 35 U.S.C. § 103(a) over selected portions of Applicants' specification in view of Taylor et al. (U.S. Pat. No. 6,451,748). The Office Action asserts that Applicants' alleged acknowledgement regarding prior art wet wipes pulled from the hollow coreless rolls having perforated sheets (p. 1, lines 24-28) rendered obvious the claimed invention in view of Taylor's disclosure regarding the desirability of using salt containing compositions on wet wipes. The Office Action further states that "it would have been obvious to one of ordinary skill in the art to adjust the size of the wet wipes to accommodate a particular end use of the wipe."

Applicants respectfully traverse the rejection in view of the Office's failure to establish a *prima facie* case of obviousness. With regard to claims 81-87, the selected portions of Applicants' specification and Taylor et al., alone or in combination, do not teach or suggest each and every element of the claims. Taylor et al. does not teach or suggest a roll of wet wipes having the diameter of at least about 2 inches and no greater than about 5.5 inches as recited in claim 81. Moreover, there is no motivation to modify Taylor et al. to include the dimensions set forth in claim 81.

As described in the specification, a roll of wet wipes having the dimensions recited in claim 81 is particularly useful with the dispenser disclosed therein. The Office has not identified any prior art dispenser known at the time of filing, and has failed to provide a motivation to produce a roll of wet wipes having the claimed dimensions apart from hindsight reasoning. MPEP §2145 states that an obviousness rejection is improper when it includes knowledge gleaned only from applicant's disclosure. Thus, but for Applicants' own disclosure of the dispenser, it would not have been obvious to one of ordinary skill in the art to adjust the size of the wet wipes to accommodate the dispenser described in the instant disclosure.

In addition, there is no suggestion or motivation to combine the teachings of Taylor et al. with the Applicant's disclosure of prior art regarding perforated sheets in the context wipes pulled from the center of hollow coreless rolls. The claimed invention only recites "perforations" in the context of particular claims (e.g. cl. 82-84 and 93-95) reciting a combination of limitations that were not identified in any prior art of record.

Applicants disclosure of the prior art fails to provide, and the Office has failed to set forth, any suggestion or motivation in the prior art teachings to combine the antibacterial compositions of Taylor et al. with the claimed invention. Specifically, the Office has failed to identify any prior art teachings concerning the desirability or need for antibacterial compositions in wet wipes, particularly those containing salts which can be irritating to skin. Taylor's disclosure of salts in the context of wet wipes was limited to use of sodium xylene sulfonate at 15.0 weight percent (cols. 40-41, Example 17). The broader scope of antibacterial salt containing compositions disclosed by Taylor was

limited to particular phenolic antibacterial derivates (cols. 8-9) or C<sub>8</sub>-C<sub>18</sub> fatty acid surfactants (col. 3) among a long laundry list of alternative embodiments not requiring salts. Taylor's sole wet wipe example was but one example of an embodiment having a utility for an antibacterial composition. However, absent further guidance or suggestion from the prior art, there is no obvious motivation to use using any other salt containing composition in the context of the claimed invention, particularly in view of the occasional irritation associated with bodily exposure to salt containing compositions.

The selected portions of Applicants' specification and Taylor et al., alone or in combination, do not teach or suggest each and every element of the claims, nor do the prior art references provide a sufficient basis to combine. Accordingly, Applicants respectfully request that this rejection be withdrawn.

#### **Taylor et al. in view of Nissing et al.**

Claims 90-98 and 106-110 were rejected under 35 U.S.C. § 103(a) over selected portions of Applicants' specification in view of Taylor et al. and Nissing et al. (U.S. Pat. No. 6,623,834). The Office Action asserts that "Nissing et al disclose the desirability of providing transverse grooves in wet wipe material to aid in cleaning surfaces; see column 1, lines 21-33 and Figure 5b" and that "[i]t would have been obvious to one of ordinary skill in the art to provide grooves in the wet wipe of the primary reference in order to increase its ability to clean surfaces."

Applicants respectfully traverse the rejection. The mere fact that the references *can* be combined does not render the resulting combination obvious, unless the *prior art* suggests the desirability of the combination. MPEP §2143.01. Taylor et al. does not disclose, teach or suggest, nor does the Office Action assert that Taylor et al. discloses, teaches or suggests wet wipes comprising a salt solution and a groove in accordance with the claimed invention. Taylor's disclosure concerning antibacterial compositions was not concerned with improving the cleaning ability of wet wipes. Taylor's disclosure merely identified wet wipes as an example of an embodiment having a utility for an

antibacterial composition. Inasmuch as Taylor's disclosure was not concerned with improving the cleaning ability of wet wipes (or any other embodiments for that matter), there would have been no motivation to further incorporate *grooves* into e.g., Taylor's wet wipe embodiment disclosed in Example 17. Conversely, Nissing et al. fail to disclose or suggest any problem calling for an "antibacterial solution" requiring salts in accordance with the claimed invention.

For the reasons set forth above, as applied to claims 81-87 and 101-105, and for the reasons set forth herein below, the selected portions of Applicants' specification, Taylor et al., and Nissing et al., neither alone, nor in combination, teach or suggest each and every element of the claims, nor do the individual or combined teachings provide a sufficient basis for combining the disparate, unconnected teachings. Accordingly, Applicants respectfully request that this rejection be withdrawn.

### **Double Patenting**

#### **Claim 10 of Hoo et al.**

Claims 81-87 and 101-105 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of Hoo et al. (U.S. Pat. No. 6,649,262). This rejection is obviated by the filing of an appropriate terminal disclaimer. Pursuant to 37 CFR 1.130(b), a terminal disclaimer pursuant to 37 CFR 1.321(c) with respect to U.S. Pat. No. 6,649,262 is filed herewith. The present application and U.S. Pat No. 6,649,262 are commonly owned by Kimberly-Clark Worldwide, Inc. The filing of the terminal disclaimer is not intended as an acquiescence as to the obviousness of the present claims over claim 10 of Hoo et al.

#### **Claim 10 of Hoo et al. in view of Nissing et al.**

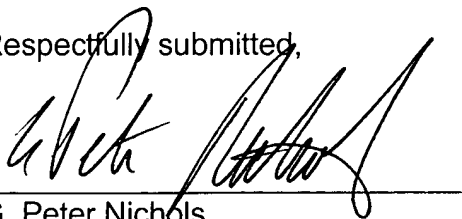
Claims 90-98 and 106-110 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of Hoo et al. in view of Nissing et al. This rejection is obviated by the filing of an appropriate terminal

disclaimer. Pursuant to 37 CFR 1.130(b), a terminal disclaimer pursuant to 37 CFR 1.321(c) with respect to U.S. Pat. No. 6,649,262 is filed herewith. The present application and U.S. Pat No. 6,649,262 are commonly owned by Kimberly-Clark Worldwide, Inc. The filing of the terminal disclaimer is not intended as an acquiescence as to the obviousness of the present claims over claim 10 of Hoo et al. in view of Nissing et al.

### Conclusion

In conclusion, all of the grounds raised in the outstanding Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Respectfully submitted,



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